

ZENECA INC.'S COMMENTS TO THE  
PRELIMINARY ASSESSMENT  
PREPARED BY THE ARKANSAS DEPARTMENT  
OF POLLUTION CONTROL & ECOLOGY  
FOR THE  
"ICI BURIAL PIT"  
ZENECA, INC., NORTH LITTLE ROCK, ARKANSAS

COMMENTS TO THE EPA POTENTIAL HAZARDOUS WASTE  
SITE PRELIMINARY ASSESSMENT FORM

1. IDENTIFICATION AND GENERAL SITE INFORMATION

A. CERCLIS Number and Discovery Date

This site was originally assigned CERCLIS number ARD006354484. Its discovery date should be November 1979, as the site was reported through the Eckhardt Study and assigned Eckhardt List I.D. # AR 18-5.

B. Status of Site

The burial site has been "inactive" since 1972.

2. OWNER/OPERATOR INFORMATION

A. Owner/Operator

Since January 1, 1993, the North Little Rock plant has been owned by and operated under the name ZENECA Ag Products, which is a business unit of ZENECA Inc. The Plant Manager is Mr. Irvin Wheeler.

B. How Initially Identified

As noted above, the sevin dust burial site was initially identified through the Eckhardt Study in November 1979. EPA performed a Preliminary Assessment in December 1979 and a Site Inspection in February 1980.



A44-19-11

5. **GENERAL SITE CHARACTERISTICS**

A. Years of Operation

Beginning year was approximately 1953.

B. Waste Deposition Authorized By

The sevin dust burial was performed by a "former owner"  
-- Stauffer Chemical Company.

C. Type of Site Operations

Under RCRA, the North Little Rock plant is a  
"Conditionally Exempt Small Quantity Generator."

6. **WASTE CHARACTERISTICS INFORMATION**

A. Source Type

The sevin dust that was buried was apparently contained  
in 50 lb. bags. No drums are known to have been buried.

B. Physical State of Waste as Deposited

The sevin dust was originally in "powder" form. No  
liquid is known to have been buried.

7. **GROUND WATER PATHWAY**

A. Is There A Suspected Release To Ground Water

See comments to PA report.

8. **SURFACE WATER PATHWAY**

A. Is There A Suspected Release To Surface Water

See comments to PA report.

## COMMENTS TO THE PRELIMINARY ASSESSMENT REPORT

### 1. INTRODUCTION (p. 2)

#### A. Name Change

Prior to January 1, 1993, the North Little Rock plant was operated under the ICI Agricultural Products Group of ICI Americas Inc. Effective January 1, 1993, ICI Americas Inc. was divided into two separate corporative organizations. All facilities comprising ICI's bioscience-businesses, including the Agricultural Products Group, were renamed "ZENECA Inc." The North Little Rock plant now operates under the name ZENECA Ag Products and is a business unit of ZENECA Inc. Therefore, the references throughout the Preliminary Assessment ("PA") report to "ICI of America" as owner/operator of the North Little Rock plant should be changed to "ZENECA Inc."

### 2. SITE DESCRIPTION, OPERATIONAL HISTORY, AND WASTE CHARACTERISTICS (PP. 3-10)

#### A. Size of Sevin Dust Burial Area

At the bottom of page 5 of the PA report, ADPC&E states that the burial area containing sevin dust is "80' x 160'." The exact size of this area is unknown, as the burial took place around 1972 and, when ICI took over operation of the facility from Stauffer Chemical Company in early 1980, there were no written records describing the sevin dust fire and burial.

ZENECA's best estimate of the size of the burial area is 20' x 40' and less than 10' deep, which was the estimate provided by personnel working at the facility in February 1980 when EPA conducted its Site Inspection. It is estimated that 800 50-pound

sacks containing 50% technical sevin (a/k/a carbaryl) were buried in the area. This equates to a total of 20,000 pounds of sevin.

B. Amount of Hazardous Waste Generated

On page 6 of the report, the Arkansas Department of Pollution Control & Ecology ("ADPC&E") states that "[a]s a result of manufacturing agricultural chemicals, ICI generates a considerable amount of hazardous waste." (emphasis added). This statement is misleading.

As ADPC&E mentions on page 7 of the report, the majority of the wastes generated at the facility are non-hazardous. Records on file with EPA and ADPC&E should verify that the facility has consistently qualified as a "conditionally exempt small quantity generator." (For example, as ADPC&E states at the bottom of page 6, ICI generated approximately 1,590 pounds of hazardous wastes during 1991, which averages to be 133 pounds per month). All of the facility's hazardous wastes are transported off-site by a licensed hazardous waste transporter and finally disposed of at a permitted treatment, storage, and disposal facility.

3. **GROUNDWATER PATHWAY (PP. 11-15)**

A. Groundwater Conclusions

At page 15 of the PA report, ADPC&E concludes that "[a] release of hazardous substances from ICI to the ground water is probable." It is unclear from the report what the exact identity or nature of these "hazardous substances" is; however, ZENECA assumes that ADPC&E is referring to the sevin dust, as there have been no reportable spills, leaks, or releases into the groundwater

or surface water media of any other chemical substances at the facility (such as those listed in reference 11 to the report). Also, it is not understood what is meant by the statement that "[d]ue to the high conductivity of the chemicals onsite, the potential for widespread migration of the contaminants is high," since the only conductivity level that might be of an relevance is that of a released substance (i.e. sevin dust).

Because the PA report does not include any in-depth discussion of sevin dust and its constituents, ZENECA is attaching to these comments a copy of a Product Safety Information Sheet for sevin (a/k/a carbaryl or 1-naphthyl-N-methylcarbamate) (42.6%) and a Material Safety Data Sheet (MSDS) for sevin (99%). As the MSDS provides, carbaryl is not considered a human teratogen or carcinogen and does not pose a mutagenic risk to humans (see also EPA's conclusions in 45 Fed. Reg. 81869 (Dec. 12, 1980) and 51 Fed. Reg. 15353 (Apr. 23, 1986)). It is widely used as a commercial and consumer product. Some of its uses include applications to crops (e.g. cotton, soybeans, corn, etc.), forest and shade trees, deciduous tree fruits, and many other fruit, vegetable, and nut crops, lawns, poultry, and pets.

#### 4. **SURFACE WATER PATHWAY (pp. 16-22)**

##### A. Surface Water Conclusions

At page 22 of the PA report, ADPC&E concludes with respect to the surface water pathway that "[a] release of hazardous substances to surface water pathway is suspected." ZENECA disagrees with this conclusion, as there is no factual basis that any hazardous

substances have been or are currently being released to surface waters near the facility.

As ADPC&E states on page 8, the facility does not discharge any processed wastewater. The only water discharged is stormwater which is covered under ZENECA's NPDES permit. Prior to 1988, the facility's stormwater was discharged directly into the North Little Rock city sewer system. Since then, all stormwater has been conveyed into a 60-inch concrete pipe that is part of the North Little Rock stormwater collection system. After exiting the concrete pipe, the stormwater travels approximately two miles through a series of ditches and canals and ultimately empties into the Arkansas River. There is no evidence that stormwater runoff has ever caused any adverse environmental effects to the receiving water in the North Little Rock stormdrain or any other receiving waters. While the facility formerly experienced noncompliances with various effluent limitations in its NPDES permit (primarily during 1989-91), those noncompliances were addressed and corrected pursuant to administrative enforcement action undertaken by ADPC&E's Water Division. Since implementing corrective measures in 1991 and the first half of 1992, ICI/ZENECA has consistently maintained compliance with the terms of the Consent Administrative Orders entered by ADPC&E and its current NPDES permit. The facility's stormwater discharge has also consistently passed whole effluent toxicity (biomonitoring) testing, confirming that there is no sign of toxicity in the stormwater runoff. The citizen suit by the Arkansas Wildlife Federation alleging ICI had violated its

NPDES permit was dismissed by the United States District Court for the Eastern District of Arkansas by Order dated April 8, 1993, although an appeal of that dismissal is currently pending.

From the facts stated in the PA report, the only hazardous substance that might possibly be suspected of being released from the facility is the buried sevin dust. The area where the sevin dust had been buried was capped with a layer of donofil (fill material containing fine granite particles) and, subsequently, was completely covered by a concrete foundation and storage building. The remainder of the site is either covered with concrete or has adequate vegetative cover. "There are no drinking water surface intakes within 15 miles downstream of the site" (PA report at 22) and there are no municipal or individual drinking water wells located within 4 miles of the site. Given these facts, the buried sevin dust clearly poses no threat to the surface water pathway.

**5. SOIL EXPOSURE AND AIR PATHWAYS (pp. 23-25)**

**A. Soil Exposure and Air Pathway Conclusions**

At page 25 of the PA report, ADPC&E concludes that "[t]he soil exposure pathway appears to pose a threat at the ICI site due to the burial site consisting of approximately 40,000 pounds of 'sevin dust'." However, the limited facts in the PA report do not substantiate this conclusion. As already stated, the sevin dust is beneath a concrete foundation and storage building, and there is no reason to suspect that it may have migrated through the soil beyond the immediate vicinity of the burial area. To the contrary, the evidence that Perry-Urban land complex soil and clay having a very

slow permeability, poor aeration, and high shrink-swell potential suggests that migration would likely be limited.

6. **SUMMARY AND CONCLUSIONS (pp. 25-27)**

At pages 26 and 27 of the PA report, ADPC&E repeats the conclusions that releases of hazardous substances to the groundwater, surface water, and soil pathways are "suspected" or "probable." For the reasons already stated, ZENECA disagrees with these conclusions. ADPC&E also suggests that "further investigative sampling is warranted ... to determine the extent of contamination, if any, in all the medias." ZENECA submits that such sampling is unnecessary. EPA reached that same conclusion in 1980.

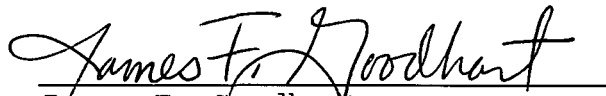
As indicated at page 7 of the PA report, EPA previously performed a Site Investigation at the facility in February 1980. The "Final Strategy Determination" by the Agency indicated that no further investigative, remedial, or enforcement action was needed concerning the sevin dust burial. This determination was apparently based upon the fact that the 20' x 40' burial area was beneath concrete and a building and, therefore, there had been adequate closure of the area to minimize any threat to human health or the environment. These facts are still applicable today (in fact, additional surface near the burial area has been paved with concrete). Because the area is beneath the facility's main granular storage building and immediately surrounded by other structures and equipment, any soil or groundwater sampling activity would cause significant disruption of operations at the facility.



Such activity is not warranted under existing circumstances.

Respectfully submitted,

ZENECA INC.

A handwritten signature in cursive script, reading "James F. Goodhart", written over a horizontal line.

James F. Goodhart  
BANKS, DODSON & GOODHART  
425 West Capitol, Suite 1590  
TCBY Tower  
Little Rock, Arkansas 72201

Attorneys for ZENECA Inc.

zeneca\preasmt.com